

## REMARKS

This Response is submitted in reply to the Office Action dated February 22, 2010. Claim 1 has been amended for clarity. Claims 2, 5, 13, 17, 18 and 33 to 34 were previously canceled. Claims 15 to 16 and 19 to 32 stand withdrawn. No new matter has been added by these amendments.

A Request for Continued Examination is submitted herewith. Please charge deposit account number 02-1818 any fees which are due in connection with this Request for Continued Examination and this Response

As noted above, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner allow the application or provide an Office Action which identifies “. . . any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable” in accordance with §707.07(d) of the MPEP.

The Office Action rejected Claims 1, 3, 4, 6 to 12 and 14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,312,332 to Walker et al. (“Walker”) in view of U.S. Patent No. 5,655,961 to Acres et al. (“Acres”). Applicant respectfully disagrees with this rejection for at least the following reasons.

The Abstract of Walker discloses:

[a] method of operating slot machines permits a machine to be identified as available for team play. Upon being identified for team play, the machine is grouped with other slot machines and subject to bonus conditions dependent on the team play. Bonus conditions typically including selected bonus outcomes and a bonus time period, during which bonus time period all outcomes of the grouped machines are monitored to determine the total bonus outcomes. If the total bonus outcomes of the team meet the bonus conditions within the bonus time period, then a bonus payout is awarded to all of the players. Players are thus encouraged to participate in a social, team environment with others of the team to win the group bonus. The invention is applicable to all slot machines, including video poker machines wherein the bonus outcomes include selected video poker hand ranks, and reeled slot machines wherein the bonus outcomes include selected reel outcomes.

The Abstract of Acres discloses:

A system for monitoring and configuring gaming devices interconnected over a high-speed network is disclosed. The system can support a file server, one or more floor controllers, one or more pit terminals, and other terminals all interconnected over the network. Each gaming device includes an electronic module which allows the gaming device to communicate with a floor controller over a current loop network. The electronic module includes a player tracking module and a data communication node. The player tracking module includes a card reader for detecting a player tracking card inserted therein which identifies the player. The data communication node communicates with both the floor controller and the gaming device. The data communication node communicates with the gaming device over a serial interface through which the data communication node transmits reconfiguration commands. The gaming device reconfigures its payout schedule responsive to the reconfiguration commands to provide a variety of promotional bonuses such as multiple jackpot bonuses, mystery jackpot bonuses, progressive jackpot bonuses, or player specific bonuses.

The Office Action relied on Acres for the disclosure of providing a second play of the bonus game at a third point in time. Specifically, page 3 of the Office Action stated that:

Walker lacks teaching a third different point in time. Acres teaches (c) at a third, different point in time, causing the at least one processor to execute the plurality of instructions to: (i) determine that a triggering event has occurred, the triggering event occurring independent of the third point in time [column 26, lines 1-21 and column 29, lines 1-81; and (ii) cause the at least one display device to display a second, different play of the bonus game, said second, different play of the bonus game having a second, different average expected payout [column 26, lines 1-21 and column 29, lines 1-81.

Applicant respectfully disagrees and submits that Acres does not anticipate causing the at least one display device to display a second, different play of the bonus game. The Office Action appears to interpret:

- 1) a play of a bonus game of Walker as the first play of the bonus game of the method of operating a gaming system of independent Claim 1, and
- 2) a play of the game of Acres as the second, different play of the bonus game of the method of operating a gaming system of independent Claim 1.

The bonus game of Walker is disclosed in at least column 7, lines 53 to 65 of Walker, which discloses that:

[i]n accordance with the present invention, if a particular final poker hand (i.e. the hand resulting from the draw) results in a bonus condition, in this case a royal flush, a four-of-a-kind, or a standard flush, video poker machine 40 initiates a bonus mode of operation. As will be described in further detail below, a bonus time period is initiated, and an announcement of the bonus mode is made to the linked, team machines through transmission of data via communication channel 19 and display of bonus information in bonus display area 54F. Team players then play cooperatively to win a bonus by operating their machines using strategies selected to achieve the requisite number of bonus hands required to win the team bonus. (emphasis added)

An example of this bonus game of Walker relied on by the Office Action, is disclosed in column 8, lines 34 to 45 of Walker, which discloses:

[e]xamining, for example, record 92A of bonus payout database 90, a set of bonus conditions are seen to include the requirement that, amongst five players, one additional royal flush must be obtained within a one hundred and twenty second time window following the occurrence of a first royal flush on one of the linked team machines, for a total of two royal flushes. If the bonus conditions are met, the player receives a bonus payout of five hundred coins. Records 92B and 92C indicate similar information for other bonus opportunities. The bonus conditions contained in records 92A, 92B, 92C are seen to correspond to those displayed in machine display areas 78A, 78B, 78C, respectively. (emphasis added)

Thus, the bonus game of Walker appears to generally include players of a team attempting to accumulate a designated quantity of a particular final poker hand within a designated time period (e.g., achieve an additional Royal Flush poker hand within 120 seconds of a first Royal Flush poker hand being generated and displayed).

On the other hand, the bonus game of Acres relied on by the Office Action includes a bonus time jackpot promotion wherein "the machine pays out more than that dictated by its default payout schedule" (Acres: column 25, lines 48 to 50). Specifically, the Office Action points to column 26, lines 1 to 21 of Acres, which discloses:

[t]he minimum activity level can also be specified in subfield (D). This field can be used to specify the minimum activity level required by the player in order to be eligible for the bonus time jackpot. For example, the player can be required to play at least 20 coins over the last three minutes in order to be eligible for the bonus time jackpot. An indicator light on the player's

machine can be used to indicate when the player reaches the minimum activity level and thereby becomes eligible for the bonus time jackpot.

In another embodiment of the bonus time promotion, a bonus amount is awarded in addition to the payout according to the default of the payout schedule of the machine. The amount of the bonus jackpot is specified in subfield (E) of the bonus time data. For example, this bonus time promotion might include five bonus amounts of \$10, \$25, \$50, \$100 and \$500, which is specified by subfield (E). When a player hits a particular jackpot, whichever bonus amount is specified by the bonus amount subfield this amount is automatically paid out in addition to the payout amount determined by the machine's default payout schedule.

Thus, the bonus game of Acres appears to generally include a promotion period wherein a gaming machine pays out more than is dictated by its default payout schedule. Acres does not disclose a play of a bonus game wherein players of a team attempt to accumulate a designated quantity of a particular final poker hand within a designated time period.

Applicant respectfully submits that the bonus game of Walker relied on by the Office Action is substantially different that the bonus game of Acres relied on by the Office Action. If the bonus game of Walker is interpreted as the first play of a bonus game of independent Claim 1, then the bonus game of Acres is not a second, different play of the bonus game of Walker. That is, a promotion period wherein a gaming machine pays out more than is dictated by its default payout schedule is not second, different play of a bonus game wherein players of a team try to accumulate a designated quantity of a particular final poker hand within a designated time period, but is rather a completely different play of a completely different bonus game.

Thus, under the Office Action's interpretation, the method of operating a gaming device resulting from the combination of Walker and Acres does not anticipate or render obvious (without the benefit of improper hindsight reconstruction) at a first point in time, determining a reference time and a current time, at a second, different point in time (the second point in time having a predetermined relationship to the determined reference time) initiating a first play of a bonus game, and at a third, different point in time displaying a second, different play of the bonus game.

On the other hand, Independent Claim 1 includes, amongst other elements, a first play of a bonus game...the first play of the bonus game having a first average

expected payout...and a second, different play of the bonus game, the second, different play of the bonus game having a second, different average expected payout.

Additionally, page 3 of the Office Action stated that Walker anticipates:

[i]n response to the determination that the second point in time has the predetermined relationship to the determined reference time, cause at least one display device to display a first play of a bonus game, said first play of the bonus game said first play of the bonus game being displayed distinct and independent from any outcome being generated during any play of any game having a first average expected payout which is based, at least in part, on the second point in time having the predetermined relationship to the determined reference time [column 8, lines 15-45 (the bonus game is to obtain one additional royal flush among 5 players)]. (emphasis added)

Applicant respectfully disagrees. The Office Action interprets attempting to “obtain one additional royal flush among 5 players” (of Walker) as the first play of the bonus game of independent Claim 1. Applicant submits that, under this interpretation, Walker does not anticipate displaying a first play of a bonus game, the first play of the bonus game being displayed distinct and independent from any outcome being generated during any play of any game other than the first play of the bonus game. Specifically, Applicant submits that, under this interpretation, if, for example, a royal flush card is generated and displayed to a player of a team of players, the first play of the bonus game of Walker includes the other players of the team attempting to obtain an additional royal flush card within a designated time period. That is, the display of the first play of the bonus game, in Walker, occurs as a result of a royal flush card having been generated and displayed and thus is not displayed independent from any outcome being generated during any play of any game other than the first play of the bonus game.

Acres does not cure this deficiency of Walker.

Thus, the method of operating a gaming system resulting from the combination of Walker and Acres does not anticipate or render obvious (without the benefit of improper hindsight reconstruction) displaying a first play of a bonus game, the first play of the bonus game being displayed distinct and independent from any outcome being generated during any play of any game other than the first play of the bonus game.

Nevertheless, Applicant amended certain of the claims to clarify that, in response to the determination that the second point in time has the predetermined relationship to the determined reference time:

(x) initiate a first play of a bonus game, the initiation being independent from any outcome being generated during any play of any other game and the first play of the bonus game having a first average expected payout which is based, at least in part, on the second point in time having the predetermined relationship to the determined reference time,

(y) cause at least one display device to display the first play of the bonus game, the first play of the bonus game being displayed distinct and independent from any outcome being generated during any play of any game other than the first play of the bonus game, and

(z) determine an outcome for the first play of the bonus game, the outcome being determined independent from any outcome being generated during any play of any game other than the first play of the bonus game.

As discussed above, Applicant submits that, under the Office Action's interpretation, if a royal flush card is generated and displayed to a player of a team of players, the first play of the bonus game of Walker includes the other players of the team attempting to obtain an additional royal flush card within a designated time period. That is, in Walker, the display of the first play of the bonus game occurs as a result of a royal flush card having been generated and displayed, and thus is not displayed independent from any outcome being generated during any play of any game other than the first play of the bonus game. Thus, unlike the method of operating a gaming system of amended independent Claim 1, the method of operating a gaming system resulting from the combination of Walker and Acres does not anticipate or render obvious (without the benefit of improper hindsight reconstruction) in response to the determination that the second point in time has the predetermined relationship to the determined reference time: (x) initiate a first play of a bonus game, the initiation being independent from any outcome being generated during any play of any other game and the first play of the bonus game having a first average expected payout which is based, at least in part, on the second point in time having the predetermined relationship to the

determined reference time, (y) cause at least one display device to display the first play of the bonus game, the first play of the bonus game being displayed distinct and independent from any outcome being generated during any play of any game other than the first play of the bonus game, and (z) determine an outcome for the first play of the bonus game, the outcome being determined independent from any outcome being generated during any play of any game other than the first play of the bonus game.

For at least these reasons, Applicant respectfully submits that amended independent Claim 1 is patentably distinguished over Walker and Acres and in condition for allowance.

Claims 3, 4, and 6 to 12 and 14 each depend directly or indirectly from amended independent Claim 1 and are also allowable for the reasons given with respect to amended independent Claim 1 and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicant requests that the Examiner contact the undersigned.

Respectfully submitted,

K&L Gates LLP

BY 

Adam H. Masia  
Reg. No. 35,602  
Customer No. 29159  
(312) 807-4284

Dated: September 14, 2010